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\*ADMITTED IN NJ ONLY

March 1, 2010

**BY ECF AND FACSIMILE**

Hon. Cheryl L. Pollak  
Magistrate Judge  
U. S. District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 1230  
Brooklyn, New York 11201

Re: *Teddy Moore v. T-Mobile USA, Inc.*,  
No. 10 CV 00527 (SLT) (CLP) (E.D.N.Y.)

Dear Judge Pollak:

We represent T-Mobile USA, Inc. ("T-Mobile") in the above-referenced matter. We write in opposition to plaintiff Teddy Moore's request, dated February 23, 2010, that Your Honor cancel the initial conference scheduled for March 23, 2010 and order an immediate trial.

Contrary to his representation to the Court that this case is trial-ready and that judgment against T-Mobile is a "matter of formality," T-Mobile disputes Mr. Moore's claims and will be seeking limited discovery, after which it intends to move for summary judgment. Specifically, T-Mobile will serve Mr. Moore with limited document requests and interrogatories. After he has responded to these discovery requests, T-Mobile will take Mr. Moore's deposition.

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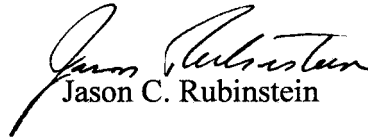
Hon. Cheryl L. Pollak

- 2 -

March 1, 2010

Accordingly, we submit that Your Honor should deny Mr. Moore's request for an immediate trial and confirm that we are prepared to appear at the scheduled March 23 conference.

Respectfully,

  
Jason C. Rubinstein

cc: Teddy Moore